

Exhibit 1

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Slip Copy, 2008 WL 104079 (M.D.Fla.)
(Cite as: Slip Copy)

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O.N. Equity Sales Co. v. Samuels
M.D.Fla.,2008.
Only the Westlaw citation is currently
available.
United States District Court, M.D. Florida,
Tampa Division.
The O.N. EQUITY SALES COMPANY,
Plaintiff,
v.
Allen SAMUELS, individually and on be-
half of International Trading Agency, Inc.,
Defendant.
No. 8:07-cv-1091-T-23TGW.

Jan. 8, 2008.

Burton Webb Wiand, George L. Guerra,
Fowler, White, Boggs & Bunker, PA,
Tampa, FL, Marion H. Little, Jr., Michael
R. Reed, Zeiger, Tigges & Little, LLP,
Columbus, OH, for Plaintiff.
Joel A. Goodman, Goodman & Nekvasil,
PA, Clearwater, FL, for Defendant.

ORDER

STEVEN D. MERRYDAY, District Judge.
*1 Pursuant to 28 U.S.C. § 636 and Local Rule 6.01(b), the following motions were referred to the United States Magistrate Judge for a report and recommendation: (1) the plaintiff's motion for preliminary injunction (Doc. 7); (2) the plaintiff's motion to consolidate preliminary injunction hearing with trial on the merits (Doc. 8); (3) the plaintiff's motion for an order authorizing the parties to engage in immediate discovery on the issue of arbitrability (Doc. 11); (4) the defendant's motion to compel arbitration (Doc. 13); (5) the defendant's motion for protective order (Doc. 14); and (6) the plaintiff's motion (Doc. 33) for an order precluding summary disposition of the defendant's motion to compel arbitration pending discovery on the issue

of arbitrability. Following the Magistrate Judge's November 30, 2007, report and recommendation (Doc. 41), the plaintiff objects (Doc. 43) and the defendant responds (Doc. 45) in opposition to the plaintiff's objections.

A *de novo* determination of those portions of the report and recommendation to which the plaintiff objects reveals that the objections either are unfounded or otherwise require no different resolution of the motion. Accordingly, the plaintiff's objections (Doc. 43) are **OVERRULED** and the Magistrate Judge's report and recommendation (Doc. 41) is **ADOPTED**. The following motions are **DENIED**:

the plaintiff's motion for preliminary injunction (Doc. 7);

the plaintiff's motion to consolidate preliminary injunction hearing with trial on the merits (Doc. 8);

the plaintiff's motion for an order authorizing the parties to engage in immediate discovery on the issue of arbitrability (Doc. 11);

the defendant's motion for protective order (Doc. 14); and

the plaintiff's motion (Doc. 33) for an order precluding summary disposition of the defendant's motion to compel arbitration pending discovery on the issue of arbitrability.

The defendant's motion to compel arbitration (Doc. 13) is **GRANTED**. Pursuant to 9 U.S.C. § 4, the parties are directed to proceed to arbitration in accordance with the terms of the arbitration agreement, and this action is **STAYED** pending arbitration. The Clerk is directed to terminate any pending motion and **ADMINISTRATIVELY CLOSE** the case.

ORDERED.

M.D.Fla.,2008.

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